

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Box Board of Patent Appeals & Interferences, Assistant Commissioner for Patents, Washington, D.C., 20231, on:

Date: April 4, 2003

By: Valerie Peterson

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Hickman *et al.*

APPLICATION NO.: 08/798,703

FILED: February 12, 1997

FOR: **METHOD AND APPARATUS FOR  
CONTROLLING A COMPUTER OVER A  
WIDE AREA NETWORK**

EXAMINER: Dieu Minh T. Le

ART UNIT: 2184

CONF. NO: 2768

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OFFICE OF PETITIONS

**Petition to Revive Unintentionally Abandoned  
Application under 37 CFR §1.137(b)**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

1. The applicant hereby petitions for revival of the above-identified application. Please see the Statement Concerning Abandonment enclosed.

2. Reply Under 37 CFR §1.137(b)(1)

Enclosed herewith is the Appeal Brief (in triplicate).

3. Fee Under 37 CFR §1.137(b)(2)

Enclosed is a check covering the fee of \$650.00 under 37 CFR 1.17(m).

4. Statement Under 37 CFR §1.137(b)(3)

The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR §1.137(b) was unintentional.

5. Duration of Abandonment (1203 OG 86-87, Oct. 21, 1997)

☐ This petition is being filed within 3 months of the date on which the applicant was first notified of the abandonment by a Notice of

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Abandonment mailed . Under current USPTO practice, further information regarding the abandonment is not required.

- ☒ This petition is being filed more than 3 months after the applicant was first notified of the abandonment, but within 1 year of the date of abandonment. Attached hereto is a statement by Paul L. Hickman explaining how the abandonment occurred and how it was unintentional.
- ☐ This petition is being filed more than 1 year after the apparent date of abandonment. Attached hereto is a statement by explaining when the applicant or applicant's representative first became aware of the abandonment and how the delay in discovering the abandoned status occurred despite the exercise of due care or diligence on the part of the applicant or the applicant's representative.


6. Terminal Disclaimer under 37 CFR §1.137(b)(4) and (c)

- ☒ Since this application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ Since this application was filed before June 8, 1995, a terminal disclaimer is enclosed dedicating to the public a terminal part of the term of any patent granted hereon, and of any patent granted on a continuing application hereof, equivalent to the period of abandonment of this application.

7. Additional Fees

- ☒ Please charge any underpayment in fees for timely consideration of this Petition to Deposit Account No. 50-2207.

Respectfully submitted,  
Perkins Coie LLP



Paul L. Hickman  
Registration No. 28,516

Date: April 4, 2003

**Correspondence Address:**

Customer No. 22918  
Perkins Coie LLP  
P.O. Box 2168  
Menlo Park, California 94026  
(650) 838-4300

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Statement Concerning Abandonment

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

The undersigned, Paul L. Hickman, is the attorney of record in this application.

This statement accompanies a Petition to Revive Unintentionally Abandoned Application under 37 CFR 1.137(b), and is being filed more than three months but less than one year after the apparent date of abandonment. This statement explains how the abandonment occurred and how it was unintentional.

1. A Notice of Appeal was timely sent to the U.S.P.T.O. on Wednesday June 12, 2002 by first class mail with a certificate of mailing. As such, Applicant's Appeal Brief would be due two months from the date of receipt of the Notice of Appeal, e.g. around June 15-18, 2002.

2. The return receipt postcard which accompanies the Notice of Appeal cannot be found and was apparently never received.

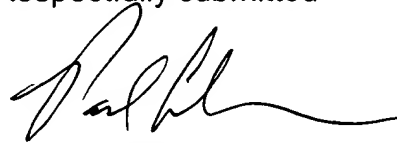
3. On March 11, 2003 the undersigned received a telephone call from the Examiner asking if the Appeal Brief had ever been filed. The undersigned could not remember whether an Appeal Brief had been filed for this case, and he promised the Examiner to pull the case and review the situation.

4. On March 16, 2003 the undersigned informed the examiner that an Appeal Brief was not in the file and apparently had not been filed, and that this omission was completely unintentional. The undersigned also indicated that he had never received a Notice of Abandonment for this application. The Examiner indicated that a Notice of Abandonment had not yet been issued.

5. The undersigned and inventor Michael Gough met and conferred on Michael Gough's first convenient appointment concerning this situation approximately a week later. The Appeal Brief and the Petition to Revive was then drafted and subsequently reviewed by Michael Gough on April 4, 2003.

The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

Respectfully submitted



Paul L. Hickman  
Registration No. 28,516

Date: April 4, 2003

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Perkins Coie LLP  
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